FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLN. NO. 1165 OF 2006
IN
A.O. STAMP NO. 29695 OF 2006

Office Notes, Office Memoranda of Coram, appearances,Court's Orders or directions and Registry's orders.	Court's or Judges Orders.

Mr. G.V.Pandya for applicant.
Mr. Pradeep Dubey for Manoj Kumar Upadhyay for Respondent.

CORAM : A.M.KHANWILKAR, J.
DATE : 20th February 2007.

P.C. :

1. Mr. Pradeep Dubey waives notice for Respondent.

2. Heard Counsel for the parties. Perused the pleadings.

3. According to the applicant, the applicant was prevented from filing the present proceedings in this Court on account of old age and ill-health. From the averments in the Application and the medical certificate appended to the Application, it is seen that the applicant was hospitalised from 25.11.2005 to 6.12.2005 and once

again from 13.2.2006 to 17.2.2006. There is nothing on record except the bare words of the applicant that after February 2006 till October 2006, she was advised bed rest and was in such a condition that she could not have given instructions to her near relations to file the proceedings which she has filed only in November, 2006.

4. Accordingly, the explanation offered in the Application of old age and ailment of the applicant for delay to file the present Application before this Court cannot be said to be sufficient cause as is rightly opposed by the Respondents. Hence, this Application is dismissed.

5. As I am informed that suits are still pending before the lower Court, the applicant being senior citizen, the trial Court will be well advised to dispose of the suits expeditiously under the caption "senior citizen" as High

Court expedited case.

[A.M.KHANWILKAR, J.]